

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
vs.	)	5:19-CR-149-2BO
	)	
DANIEL N. KEMP, SR.,	)	
	)	
Defendant.	)	
_____	)	

AMENDED TRANSCRIPT

DECEMBER 11, 2019  
ARRAIGNMENT  
BEFORE THE HONORABLE TERRENCE W. BOYLE  
CHIEF UNITED STATES JUDGE

APPEARANCES:

On behalf of the Government:

CHARITY WILSON, ASSISTANT U.S. ATTORNEY  
U.S. Attorney's Office - EDNC  
150 Fayetteville Street, Suite 2100  
Raleigh, North Carolina 27601  
[charity.wilson@usdoj.gov](mailto:charity.wilson@usdoj.gov)

On behalf of the Defendant:

SCOTT L. WILKINSON, ESQ.  
Scott L. Wilkinson & Associates, P.A.  
2802 Anderson Drive, Suite 101  
Raleigh, North Carolina 27608  
[swilkinson1@nc.rr.com](mailto:swilkinson1@nc.rr.com)

Glenda L. Biggerstaff, Court Reporter  
WordServices, Inc.  
3103 Virginia Pine Lane  
Apex, North Carolina 27539  
919.548.4914  
[wanda@mywordservices.com](mailto:wanda@mywordservices.com)  
Stenomask with computer-aided transcription

1 (Wednesday, December 11, 2019, commencing at 9:36 a.m.)

2 (Brief pause.)

3 THE COURT: Bring -- can you bring the Kems out  
4 together?

5 MARSHAL: Yes, sir.

6 THE COURT: Is it okay to bring them in together?

7 MARSHAL: Sure.

8 THE COURT: Okay. The first one will be Shannyn  
9 Kemp.

10 MARSHAL: Yes, sir.

11 MS. SALMON: Your Honor, we'll need just a moment  
12 when she is brought out. There was a slight addition to one of  
13 the elements that is -- it's just sort of typographical in the  
14 plea -- plea transcript. So we're going to have her to sign  
15 that and then hand it up.

16 THE COURT: Okay. All right.

17 MS. SALMON: Thank you, sir.

18 THE COURT: I'll give the rights to the two Kems and  
19 Strickland who's here in the courtroom. Yes?

20 MR. GODWIN: Mr. Strickland's here.

21 THE COURT: Okay. All right. Stackhouse -- is  
22 Stackhouse in the courtroom?

23 MR. FAUNTLEROY: I represent her. I've not seen her  
24 yet. Yes, she's supposed to be here shortly.

25 THE COURT: Thank you. She's not here.

1 MR. FAUNTLEROY: Not yet.

2 (Brief pause.)

3 MR. FAUNTLEROY: Your Honor, Ms. Stackhouse is  
4 present.

5 THE COURT: All right. I'm just going to read the  
6 rights to everybody who's in the room at the same time so I  
7 don't have to do it four times.

8 (Brief pause.)

9 (Defendant Daniel Kemp entered the courtroom at 9:41 a.m.)

10 THE COURT: So what -- what happened to the other  
11 Kemp? This is the only one.

12 MS. SALMON: She's --

13 MR. MORRIS: She's coming in the door, Your Honor.

14 MS. SALMON: -- headed this way, Your Honor.

15 THE COURT: Okay.

16 (Defendant Shannyn Kemp entered the courtroom.)

17 (Brief pause.)

18 THE COURT: This is the lady that was in South  
19 Carolina?

20 MR. MORRIS: Yes, sir.

21 THE COURT: You ready to go?

22 MS. SALMON: Your Honor, if we could just have a  
23 moment to look over that slight addition.

24 THE COURT: All right.

25 (Brief pause.)

1 MS. SALMON: May I approach, Your Honor? Thank you.  
2 I apologize for the delay.

3 THE COURT: Are you ready to go?

4 MS. SALMON: Yes, sir. Your Honor, thank you.

5 THE COURT: You're Shannyn Kemp. Can you understand  
6 me?

7 MRS. SHANNYBN KEMP: Yes, sir. Yes, sir.

8 THE COURT: And are you going to enter a plea of  
9 guilty in this case?

10 MRS. SHANNYBN KEMP: Yes, sir.

11 THE COURT: You swear to tell the truth?

12 MRS. SHANNYBN KEMP: Yes, sir.

13 THE COURT: How old are you?

14 MRS. SHANNYBN KEMP: 51.

15 THE COURT: And do you read, write, and speak, and  
16 understand English?

17 MRS. SHANNYBN KEMP: Yes, sir.

18 THE COURT: And you haven't taken any alcohol or  
19 chemicals or drugs that would affect your mind, your ability to  
20 understand?

21 MRS. SHANNYBN KEMP: No, sir.

22 THE COURT: Have you had enough time to meet with  
23 your lawyer in this case, your lawyers?

24 MRS. SHANNYBN KEMP: Yes, sir.

25 THE COURT: Ms. Salmon and Mr. Morris, do you have

1 any question about her competence at this time?

2 MS. SALMON: We do not, Your Honor. We're satisfied  
3 that she's competent to proceed.

4 THE COURT: The Government have any question about  
5 her competence?

6 MS. WILSON: No, Your Honor.

7 THE COURT: Okay. The Court finds the Defendant is  
8 competent to proceed with her plea hearing. Ms. Salmon, you're  
9 appointed, aren't you, or are you retained?

10 MS. SALMON: No, Your Honor. Both Mr. Morris and I  
11 are retained in this case.

12 THE COURT: Okay. Adequate arrangements have been  
13 made for your compensation?

14 MS. SALMON: Yes, sir. Thank you.

15 THE COURT: Ms. Kemp, are you satisfied with your  
16 lawyers' work?

17 MRS. SHANNYN KEMP: Yes, sir.

18 THE COURT: I'm going to explain these rights that  
19 you have both to you and your husband and to the other people  
20 who are on the calendar that are in the courtroom, Strickland  
21 and I believe Stackhouse. You have the right to have your case  
22 tried by a jury. You're presumed by law to be innocent, and  
23 you don't have to prove anything at a jury trial. The burden's  
24 on the Government. It's obligated to prove you guilty by proof  
25 beyond a reasonable doubt. In order to do this, the Government

1 has to bring witnesses into court to testify in your presence  
2 and in the presence of a jury. At trial, your lawyer can  
3 object to improper evidence, cross-exam the witnesses, and  
4 present witnesses and evidence on your behalf. You can either  
5 testify or not testify at a trial. If you decided not to  
6 testify, that won't be used against you. If you plead guilty,  
7 you give those rights up. There won't be a trial because you  
8 will have admitted your guilt, and there's no need for a trial.

9 (Ms. Shannyn Kemp's plea hearing continued but was not  
10 transcribed.)

11 (The matter of *U.S. v. Daniel Kemp* began at 9:58 a.m.)

12 THE COURT: You're Daniel Kemp.

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Are you going to enter a plea of guilty?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you swear to tell the truth?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: How old are you?

19 THE DEFENDANT: 50 years old, Your Honor.

20 THE COURT: And do you read, write, and speak and  
21 understand English?

22 THE DEFENDANT: I do, Your Honor.

23 THE COURT: Are you now taking any drugs or alcohol  
24 that would affect your answers?

25 THE DEFENDANT: I am not, Your Honor.

1           THE COURT: Have you had enough time to meet with  
2 your lawyer and be prepared?

3           THE DEFENDANT: Yes, Your Honor.

4           THE COURT: Mr. Wilkinson, do you have any question  
5 on your client's competence?

6           MR. WILKINSON: I do not, Your Honor.

7           THE COURT: Does the Government have any reason to  
8 question his competence?

9           MS. WILSON: No, Your Honor.

10          THE COURT: Are you retained or appointed?

11          MR. WILKINSON: Appointed, sir.

12          THE COURT: Are you satisfied with your lawyer's  
13 work?

14          THE DEFENDANT: Yes, Your Honor.

15          THE COURT: You heard me explain your rights. Do you  
16 understand those?

17          THE DEFENDANT: I do, Your Honor.

18          THE COURT: Are you willing to waive those by  
19 entering a plea of guilty?

20          THE DEFENDANT: I am, Your Honor.

21          THE COURT: Have you seen a copy of the charges in  
22 your case?

23          THE DEFENDANT: I have, Your Honor.

24          THE COURT: You're charged in Counts 1, 4, and 8 with  
25 aggravated sexual abuse. Punishment for that is up to life and

1 a fine not to exceed \$250,000 and five years to life of  
2 supervised release. You're charged in Counts 4 and 5 with the  
3 abusive sexual contact by force. Punishment for that is up to  
4 ten years' imprisonment, fine, and supervised release.

5 And Counts 3, 6, and 9, you're charged with abusive  
6 sexual contact without consent. The punishment for that is not  
7 more than two years, a fine, supervised release, and special  
8 assessment.

9 And then you're charged in Count 7 with incest. That  
10 crime is an assimilative crime under North Carolina law and  
11 federal law, and the punishment for that is not more than 59  
12 months in prison, a fine, and supervised release. Do you  
13 understand that those are the charges and punishments against  
14 you?

15 THE DEFENDANT: I do, Your Honor.

16 THE COURT: And you're entering into a written plea  
17 agreement with the Government.

18 THE DEFENDANT: I am, Your Honor.

19 THE COURT: And you're going to plead guilty to Count  
20 8, which is the aggravated sexual abuse, and waive your right  
21 to appeal.

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: He doesn't waive his right to appeal,  
24 does he?

25 MR. WILKINSON: I'm sorry, Your Honor?

1 THE COURT: He doesn't -- I'm looking at paragraph  
2 2c.

3 MR. WILKINSON: It's now 2f. It's because 2f --

4 THE COURT: And you waive your right to appeal,  
5 reserving your right to appeal from the sentencing excessive  
6 guideline. You waive your right to have a jury decide the  
7 facts. Count 8 of the second superseding indictment is  
8 aggravated sexual abuse. This happened on Fort Bragg.

9 Pleading guilty has immigration consequences. You'll  
10 be subject to that. You must register under the Sex Offender  
11 Registration Act. The Government agrees to dismiss Counts 1,  
12 2, 3, 4, 5, 6, 7, and 9 but reserves the right to make a  
13 sentencing recommendation, not further prosecute you for  
14 conduct constituting the basis of this indictment. Paragraph 5  
15 has a list of sentencing considerations that come into play.  
16 Is this what you've agreed to?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: How do you plead to Count 8? Guilty or  
19 not guilty?

20 THE DEFENDANT: I plead guilty, Your Honor.

21 THE COURT: Are you in fact guilty of it?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: You can have a seat. Tell me about his  
24 situation.

25 MS. WILSON: Yes, Your Honor. On or about July 1st,

1 2016, Daniel Kemp and his wife, Shannyn Kemp, along with four  
2 of their six children, moved into a house located at 3 Blume  
3 Road, Cameron, North Carolina, which was located on current  
4 federal jurisdiction, namely Fort Bragg, North Carolina.  
5 During this time period --

6 THE COURT: Why is he at Fort Bragg?

7 MS. WILSON: Your Honor, the housing facility is  
8 actually off of the military post.

9 THE COURT: Yeah. But why is he there? I mean,  
10 what's his association with the --

11 MS. WILSON: He was active duty at the time, Your  
12 Honor.

13 THE COURT: He's on active duty.

14 MS. WILSON: He was on active duty at the time, yes,  
15 sir.

16 THE COURT: In what branch?

17 MS. WILSON: Army.

18 THE COURT: Doing what?

19 MS. WILSON: I'm not exactly sure what his job --

20 THE COURT: I mean, was he a general or a captain or  
21 a --

22 MS. WILSON: He was enlisted.

23 THE COURT: Huh?

24 MS. WILSON: He was enlisted, sir.

25 THE COURT: At what level?

1 MS. WILSON: I'm not sure, Your Honor.

2 THE COURT: Okay.

3 MS. WILSON: During this time period, Daniel Kemp was  
4 an active member of the United States Army and stationed at  
5 Fort Bragg. Daniel Kemp forced his children to engage in  
6 sexual acts while living in the residence located in Cameron,  
7 North Carolina.

8 As noted in Count 8 of the indictment, between on or  
9 about July 1st, 2016, and April 19, 2017, Daniel Kemp forced  
10 his youngest child, Victim/Witness 3, to engage in sexual acts  
11 with him. On one occasion, Daniel Kemp asked Victim/Witness 3  
12 to go into the basement to help with him something. And while  
13 in the basement of the house, Daniel Kemp forced his penis in  
14 Victim/Witness 3's mouth and demanded that Victim/Witness 3  
15 perform oral sex on Daniel Kemp. Daniel Kemp held the victim's  
16 head so that he could not move.

17 On another occasion, Daniel Kemp entered  
18 Victim/Witness 3's bedroom and forced his fingers into  
19 Victim/Witness 3's anus. Victim/Witness 3 was in pain and  
20 could not move. Daniel Kemp then forced his penis in  
21 Victim/Witness 3's mouth and held his head on his penis.  
22 Victim/Witness 3 could not move during the sexual act. And  
23 while forcing Victim/Witness 3 to perform oral sex on Daniel  
24 Kemp, Daniel Kemp took Victim/Witness 3's hand and held it on  
25 his penis.

1           Victim/Witness 3 told Victim/Witness 1 listed in the  
2 indictment about the abuse. The abuse of Victim/Witness 3 is  
3 what ultimately led Victim/Witness 1 to report her own abuse in  
4 school.

5           THE COURT: You don't have -- is this an army  
6 investigator? Are you --

7           MS. WILSON: This is -- Your Honor, this is the FBI  
8 investigator.

9           THE COURT: You're an FBI agent.

10          FBI INVESTIGATOR: Yes, Your Honor.

11          THE COURT: What's he doing in the army? Do you know  
12 anything about it?

13          FBI INVESTIGATOR: I'm not sure, Your Honor, what his  
14 rank was.

15          THE COURT: No. I don't care about his rank. I  
16 mean, what's he doing in the army? Does he drive a tank? Does  
17 he fly an airplane? What does he do?

18          FBI INVESTIGATOR: I'm not sure.

19          THE COURT: You have no idea.

20          FBI INVESTIGATOR: I don't know, Your Honor.

21          THE COURT: No context at all. Context meaning that  
22 surrounding circumstances.

23          FBI INVESTIGATOR: I do not know what he did in the  
24 military.

25          THE COURT: Mr. Severo, you know?

1 MR. SEVERO: I do not, Your Honor.

2 THE COURT: You'd rather be sitting in the back right  
3 now.

4 MR. SEVERO: Yes, Your Honor.

5 THE COURT: What do you do in the army? Were you on  
6 active duty?

7 THE DEFENDANT: I'm still on active duty, Your Honor.

8 THE COURT: Really.

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: At what rank or grade?

11 THE DEFENDANT: I'm a Chief Warrant Officer 4. I'm a  
12 commissioned officer.

13 THE COURT: And that indicates you -- you say you're  
14 50 years old. What -- you been in the army 25 years.

15 THE DEFENDANT: 28 years, Your Honor.

16 THE COURT: And the Army is not dealing with this.  
17 They're not court-martialing you.

18 THE DEFENDANT: The army was dealing with it, Your  
19 Honor. And then the army --

20 THE COURT: Are you subject to a court-martial?

21 THE DEFENDANT: I was, and then the FBI took over.

22 THE COURT: And you're appointed.

23 MR. WILKINSON: Yes, Your Honor.

24 THE DEFENDANT: Your Honor, on April 19th, 2017, my  
25 company commander came to Marion County Jail in Kentucky, and

1 he gave me paperwork acknowledging that they were going to  
2 dismiss me from the army in lieu of court-martial. On the 22nd  
3 of April, the FBI came and arrested me in Marion County Jail  
4 and moved me to Louisville, Kentucky, whereby I was eventually  
5 transferred back down here to the Eastern District of North  
6 Carolina.

7 THE COURT: Based on this hearing and the evidence  
8 presented, the Court finds that the plea is voluntarily made.  
9 A factual basis exists. The Court enters a judgment of guilty  
10 on Count 8 of the second superseding indictment. A presentence  
11 report will be prepared. A sentencing hearing is set for the  
12 March term. And he'll be continued in detention awaiting  
13 disposition of sentence.

14 MR. WILKINSON: Thank you, Your Honor.

15 (Proceedings end at 10:08 a.m.)  
16

17 (END OF TRANSCRIPT.)  
18

I CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE  
TRANSCRIPT OF SAID PROCEEDINGS.

/s/ GLENDA L. BIGGERSTAFF  
GLENDA L. BIGGER STAFF

1/28/22  
DATE